

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOSEPH BUSS,)	
)	Case No.
Plaintiff,)	
)	Judge
v.)	
)	Magistrate Judge
P.O. O'BRIEN, Individually)	
and the CITY OF CHICAGO,)	JURY DEMAND
a Municipal Corporation,)	
)	
Defendants.)	

COMPLAINT AT LAW

NOW COMES the Plaintiff, JOSEPH BUSS, complaining against the Defendant, P.O. O'BRIEN, Individually, and the CITY OF CHICAGO, a municipal corporation, as follows:

COUNT I - EXCESSIVE FORCE

1. This action is brought pursuant to the laws of the United States Constitution, specifically, 42 U.S.C. §1983 and §1988, and the laws of the State of Illinois, to redress deprivations of the Civil Rights of the Plaintiff, JOSEPH BUSS, accomplished by acts and/or omissions of the Defendant, P.O. O'BRIEN, individually, and the CITY OF CHICAGO, committed under color of law.

2. Jurisdiction is based on Title 28 U.S.C. §1343 and §1331 and supplemental jurisdiction of the State of Illinois.

3. The Plaintiff, JOSEPH BUSS, was at all relevant times a United States citizen and resident of the State of Illinois.

4. At all relevant times, the Defendant, P.O. O'BRIEN was a duly appointed Chicago police officer acting within his scope of employment and under color of law.

5. On or about July 4, 2012, the Plaintiff, JOSEPH BUSS was at Navy Pier in Chicago, Illinois with his family and friends.

6. A police officer started acting unreasonably.

7. The police officer hit Plaintiff's girlfriend in the head.

8. The Plaintiff questioned the actions of this officer.

9. The Plaintiff without cause or justification was jumped on and attacked by officer Defendant, P.O. O'BRIEN.

10. The Plaintiff, JOSEPH BUSS, was not committing a crime or breaking any laws.

11. The Defendant's use of force was unprovoked.

12. Said use of force was excessive and unreasonable

13. The Plaintiff, JOSEPH BUSS was injured.

14. At all relevant times, the Defendant, P.O. O'BRIEN was acting pursuant to the customs and policies of the Chicago Police Department.

15. The actions of the Defendant, P.O. O'BRIEN was intentional, willful and with malice.

16. Said actions of the Defendant, P.O. O'BRIEN violated the Plaintiff, JOSEPH BUSS' Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

17. As a direct and proximate consequence of said conduct of the Defendant, P.O. O'BRIEN, the Plaintiff, JOSEPH BUSS, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

WHEREFORE, the Plaintiff, JOSEPH BUSS, pray for judgment in his favor and against the Defendant, P.O. O'BRIEN in an amount of reasonable and appropriate compensatory damages and punitive damages, plus attorneys' fees and costs.

COUNT II - FALSE ARREST

1-14. The Plaintiff, JOSEPH BUSS, hereby re-alleges and incorporates his allegations of paragraphs 1-14 of Count I as his respective allegations of paragraphs 1-14 of Count II as though fully set forth herein.

15. Thereafter to cover-up his actions the Defendant, P.O. O'BRIEN arrested and charged the Plaintiff, JOSEPH BUSS with criminal charges.

16. There were no facts to support probable cause for these charges.

17. These actions of charging and arresting the Plaintiff constitute false arrest.

18. Said actions of the Defendant, P.O. O'BRIEN violated the Plaintiff, JOSEPH BUSS' Fourth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

19. As a direct and proximate consequence of said conduct of the Defendant, P.O. O'BRIEN, the Plaintiff, JOSEPH BUSS, suffered violations of his constitutional rights, emotional anxiety, fear, humiliation, monetary loss, pain and suffering.

WHEREFORE, the Plaintiff, JOSEPH BUSS, pray for judgment in his favor and against the Defendant, P.O. O'BRIEN, in an amount of reasonable and appropriate compensatory damages and punitive damages, plus attorneys' fees and costs.

COUNT III - INDEMNIFICATION

1-15. The Plaintiff, JOSEPH BUSS, hereby realleges and incorporates his allegations of paragraphs 1-15 of Count I and II as his respective allegations of paragraphs 1-15 of Count III as though fully set forth herein.

16. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

17. The Defendant, P.O. O'BRIEN was or is an employee of the Chicago Police Department, who acted within his scope of employment in committing the misconduct described herein.

WHEREFORE, should the Defendant, P.O. O'BRIEN be found liable for any of the acts alleged above, the Defendant, CITY OF CHICAGO, would be liable to pay the Plaintiff, JOSEPH BUSS, any judgment obtained against said Defendant.

JURY DEMAND

The Plaintiff, JOSEPH BUSS, hereby requests a trial by jury.

Respectfully submitted,

/s/ Gregory E. Kulis

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